

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDREW J. SIGLER,

Defendant.

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8:06CR420

ORDER

Before the court is the government's Unopposed Motion for Continuance [18] of the non-jury trial now set for April 3, 2007. A continuance is necessary to allow Pretrial Services to evaluate the defendant to determine if he is a suitable candidate for the Federal Diversion program. Upon the representation that the defendant has no objection to the continuance,

IT IS ORDERED:

1. The government's Unopposed Motion for Continuance [18] is granted, and the non-jury trial of this matter is continued to **May 18, 2007 at 10:00 a.m.** before Magistrate Judge F.A. Gossett, Courtroom No. 6, Second Floor, Roman L. Hruska U.S. Courthouse, 111 So. 18th Plaza, Omaha, Nebraska. Since this is a criminal case, the defendant must be present, unless excused by the Court.

2. In accordance with 18 U.S.C. § 3161(h)(A), I find that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **March 28, 2007 and May 18, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161, because counsel require more time to effectively prepare the case, taking into account the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 2nd day of April, 2007.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**